

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT M. BOURNE,

Plaintiff

v.

LANCASTER COUNTY PRISON, et al.,

Defendants.

CIVIL ACTION NO. 06-0293

ORDER

AND NOW, this ____ day of October, 2009, upon consideration of the summary judgment motion of defendants Lancaster County Prison, Troy Waltz, and Vincent Guarini (docket no. 92), and plaintiff Robert M. Bourne's response thereto, **IT IS HEREBY**

ORDERED that the motion is **GRANTED IN PART AND DENIED IN PART** as follows:

With respect to Counts IV, V, VII, and VIII of plaintiff's third amended complaint, the motion is **GRANTED**. Judgment is entered in favor of defendant Waltz and against plaintiff on Counts IV and V, and in favor of all defendants and against plaintiff on Counts VII and VIII.

With respect to Counts I and II, the motion is **DENIED**.

With respect to Counts III and VI, the motion is **GRANTED IN PART AND DENIED IN PART**. Plaintiff may continue to pursue Count III only to the extent that it asserts a claim for willful misconduct against defendant Waltz, and he may continue to pursue Count VI only to the extent that it asserts a claim pursuant to 42 U.S.C. § 1983 for excessive force against defendant Waltz. Judgment is entered in favor of defendants Lancaster County Prison and Guarini and

against plaintiff on Count VI.

Defendants Lancaster County Prison and Guarini are dismissed as parties to this action.

Trial in this matter is scheduled for January 19, 2010, at 10:00 a.m.

s/ William H. Yohn Jr.
William H. Yohn Jr., Judge